HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 799 of (S/S) 2004

Ramanand,
Son of Sri Ritu Prasad,
Quarter no. 976, Jha Colony,
Pantnagar,
District- U.S. Nagar.

....Petitioner.

Versus

1. G.B. Pant Agriculture and Technology University, Pant Nagar through its Vice Chancellor, District- U.S. Nagar.

2. The Registrar, G.B. Pant Agriculture and Technology University, Pant Nagar District –U.S. Nagar

3. Establishment Officer, G.B. Pant Agriculture and Technology University, Pant Nagar, District – U.S. Nagar.

....Respondents.

Sri M.S. Chauhan learned counsel for the petitioner.
Sri Rajendra Dobhal counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri M.S. Chauhan, learned counsel for the petitioner and Sri Rajendra Dobhal, learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Mandamus directing the respondents to give him appointment in pursuance of the Government Order No. 15/51/75-Ra – E.K.I dated 14.03.1977.

The contention of the petitioner is that he was initially appointed as daily wager on the post of Helper

in the year 1987 and since then he was continuously working in the G.B. Pant Nagar University (hereinafter referred to as University) till 1989.

He has filed an experience certificate, which was issued by the University on 29.09.1989 (Annexure no. 1 to the writ petition). This certificate states that petitioner was engaged on daily wage basis on the post of Electrical Helper with effect from 14.05.1989 to 29.09.1989.

The petitioner has moved an application on 6.10.1999 to the Vice Chancellor of the University and stated therein that he has worked in the University for 219 days in 1989 and he may be given appointment on the Class IV post.

The contention of the petitioner is that on 14.03.1977 the State Government has issued a direction to all the Head of Department clarifying appointment in respect of Scheduled caste and Scheduled Tribes candidates against short term and leave vacancy. He has further submitted that Laxmi Kant, a scheduled caste candidates, has worked in the University for 60 days and he was given benefit of Government Order dated 14.3.1977. Services of Laxmi Kant were regularized in the year 1997.

Firstly, the petitioner was engaged with University in the year 1987 and has worked on daily wage basis till 1989. After 1989 he was not in service. Learned counsel for the petitioner has submitted that the petitioner has worked till 2000. However, no document has been filed by the learned counsel for the petitioner, which shows that petitioner has worked in the University till 2000.

Secondly, the petitioner had moved an application to the Vice Chancellor to give him benefit of Government Order dated 14.3.1977, as given to one Sri Laxmi Kant and that application was rejected by the respondents on 17.2.1998. Learned counsel for the respondents has submitted that the petitioner's claim was rejected after giving opportunity to him.

The rejection order has not been challenged by the petitioner neither in this writ petition nor in any other writ petition. Petitioner was not in service since 1989 so he cannot claim the benefit of Government Order dated 14.3.1977 by which he could be appointed on regular basis in the University.

Writ petition is devoid of merit, as such is dismissed.

(M.M. Ghildiyal, J.)

February 18, 2005
SKS